

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE ORDER**

IN THE MATTER OF:

Joshua Van Der Weide

ID #64556

Section 26, Wheeler Township

Lyon County, Iowa

ADMINISTRATIVE ORDER

NO. 2008-AFO-04

TO: Joshua Van Der Weide
4223 190th Street
George, Iowa 51237


VIOLATION: 567 Iowa Administrative Code (IAC) 65.16(3)"b" and "c" and 567 IAC 65.17. You failed to submit a complete Iowa Phosphorus Index manure management plan (MMP) to the Iowa Department of Natural Resources (Department), the board of supervisors of the county where your confinement feeding operation is located, and to the board of supervisors of each county where manure from your confinement feeding operation is land-applied, by June 1, 2007. You were sent a notice of these requirements on April 05, 2007, and a Notice of Violation, by certified mail, on June 11, 2007. On August 8, 2007, you were sent a notice that the matter will be referred to the Department's Legal Services Bureau.

ORDER: You shall submit to Department Field Office #3 your complete MMP and fee within 30 days of the Director signing this Administrative Order (Order). In addition, a penalty of \$3,500.00 is assessed effective 30 days from your receipt of this Order, and shall be paid to the Department, at the address listed below, within 60 days of receipt of this order, unless you appeal as provided below. \$500.00 of this amount is assessed for economic benefit from delayed payment of fees and delayed preparation costs. \$1,500.00 of this amount is based on the gravity of the violation, considering the size of this facility, agency costs in addressing this violation, the importance of the animal feeding operation program, and the threat to the integrity of the animal feeding operation program. \$1,500.00 of this amount is for culpability; the MMP requirements have been widely publicized in the industry, ample time for compliance was allowed and you were sent two notices of the requirement and a notice of referral by the Department.

AUTHORITY: Iowa Code §455B.109, §459.103(3); 567 IAC 10.3, 65.16(3)"b" and "c", 567 IAC 65.17.

APPEAL: Iowa Code §455B.109; 561 IAC 7.5(1) A written Notice of Appeal may be filed with the Director, at the address provided below, within 30 days of your receipt of this Order. A contested case hearing will then be commenced pursuant to Iowa Code chapter 17A and 561 IAC 7. You may contact Carrie Schoenebaum, attorney for the Department, at (515) 281-0824 for more information regarding appeal procedures and resolution of this Order.

NONCOMPLIANCE: If you fail to comply with this Order you may be subject to further penalties pursuant to Iowa Code §455B.109 or penalties and injunction pursuant to Iowa Code §455B.191 and §459.603.


Richard A. Leopold, DIRECTOR

Dated this 25 day of Jan, 2008

IOWA DEPARTMENT OF NATURAL RESOURCES

502 East Ninth Street; Wallace State Office Building; Des Moines, Iowa 50319

VIII C.1; EPA, Carrie Schoenebaum, Ken Hleseni, Field Office 3